

CHAPTER 82
LICENSING OF BUSINESS ENTITIES,
LICENSING OF TRAINING COURSES, AND WORKER CERTIFICATION

[Prior to 9/24/86, Labor, Bureau of[530]]
[Prior to 10/21/98, see 347—Ch 82]

875—82.1(88B) Definitions.

“*Asbestos*” means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated or altered.

“*Asbestos project*” means any activity involving the removal or encapsulation of friable asbestos materials or other releases of asbestos such as by the operation of hand-operated or power-operated tools which would produce or release fibers of asbestos or other substantial alteration of asbestos-containing nonfriable material.

“*Business entity*” means a partnership, firm, association, corporation, sole proprietorship, or other business concern. This definition does not apply to a business entity which uses its own employees in removing or encapsulating asbestos for the purpose of renovating, maintaining or repairing its own facilities, except that a business entity exempted from Iowa Code chapter 88B who assigns an employee to remove or encapsulate asbestos shall provide training which complies with Iowa department of education rule 281—96.10(256), subrules 96.10(5) and 96.10(6), and rule 281—96.12(256) except for a local education agency as defined in rule 281—96.2(256) that assigns an employee to perform the small-scale, short-duration operations maintenance and repair activities which shall comply with 875—82.6(6).

“*Division*” means the division of labor services.

“*Friable asbestos material*” means any material containing more than 1 percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry by hand pressure.

“*License*” means an authorization issued by the division permitting an individual to be employed as a worker, supervisor/contractor, inspector, management planner, abatement project designer, or combination thereof.

“*Permit*” means an authorization issued by the division permitting a business entity to remove or encapsulate asbestos.

875—82.2(88B) Business entity permit. A business entity may not engage in any asbestos project unless it has been issued a permit by the division under this chapter.

875—82.3(88B) Permit application.

82.3(1) To apply for or to renew a permit a business entity shall:

a. Submit a completed application to the division on forms provided by the division which shall include:

- (1) The name and address of the business entity.
- (2) A description of the protective clothing and respirators that the business entity will use.
- (3) A copy of the business entity’s respiratory protection program.
- (4) The name and address of at least one asbestos disposal site that the business entity will use.
- (5) A description of the site decontamination procedures that the business entity will use.
- (6) A description of the removal and encapsulation methods that the business entity will use.
- (7) A description of the procedures that the business entity will use for handling waste-containing asbestos.

(8) A description of the air-monitoring procedures that the business entity will use.

(9) A description of the procedures that the business entity will use in cleaning up after completion of the project.

(10) An affirmation that the business entity will ensure that each employee or agent of the business entity who will come in contact with asbestos or will be responsible for an asbestos project is licensed by the division.

(11) The signature of the chief executive officer of the business entity or the chief executive officer's designee.

b. The application shall be divided into easily ascertainable sections or indexed to indicate where each of the issues specified in subparagraphs 82.3(1) "a"(1) to (11) are addressed in the application package.

82.3(2) Application fee. The annual application fee for a permit or the renewal of a permit is \$500. This fee is nonrefundable.

82.3(3) Action on an application.

a. Within 20 days after receiving an application, the division will acknowledge receipt of the application and notify the applicant of any deficiency in the application. Within 60 days after receiving a completed application, including all additional information requested by the division, the division will issue a permit or deny the application.

b. When a permit holder is involved in an activity of a continuing nature and the permit holder has made timely and sufficient application for the renewal of a permit or a new permit, the existing permit does not expire until the application has been finally determined by the division. In case the application is denied or the terms of the new permit limited, the existing permit shall continue to be in effect until the last day for seeking judicial review of the division's order or a later date fixed by order of the division or the reviewing court.

c. A permit issued by the division under these rules shall be valid for one year from the date of issuance.

82.3(4) Denial or revocation. The division will deny an application or revoke an issued permit if a determination is made that the applicant has not demonstrated the ability to comply fully with applicable requirements, procedures, and standards established by:

a. The division, Iowa Administrative Code, 875—Chapters 81 and 82, and

b. The U.S. Environmental Protection Agency in 40 CFR Part 61 as of July 1, 1988.

82.3(5) Denial. The division may deny an application if the applicant has outstanding penalties due to the division for more than 30 days.

875—82.4(88B) Notification.

82.4(1) *Time.* A person who intends to engage in an asbestos project shall notify the division at least ten days before beginning the project. In an emergency situation where there is an immediate danger to life, health or property, the division shall be notified within five days of the initiation of the project, and include an explanation of the emergency situation.

82.4(2) *Mailing.* The notice shall be sent by certified mail or by postage prepaid first-class mail with a certification of mailing.

82.4(3) *Format.* The notice shall be made on an 8½" by 11" sheet of paper and shall contain the following information:

1. Name, address, telephone number, and contact person of the business entity involved with the asbestos project.

2. Name, address, and telephone number of the location where the asbestos project will be conducted.

3. A description of the structure and asbestos work to be performed.

4. The anticipated date the project will begin and end.

5. A designation of the disposal site for the asbestos and asbestos-contaminated materials.

6. Where applicable, the emergency situation which prohibited preproject notification.

875—82.5(88B) Removal or encapsulation project records. The permit holder shall keep a record of each asbestos project it performs and shall make the record available to the division at any reasonable time. Records required by these rules shall be kept for at least six years. The records shall include:

1. The name, address and license number of the individual who supervised the asbestos project and of each employee or agent who worked on the project.
2. The location of and a description of the project and the amount of asbestos material that was removed.
3. The starting and completion dates of each instance of removal or encapsulation.
4. A summary of the procedures that were used to comply with all applicable standards.
5. The name and address of each asbestos disposal site where the waste, containing asbestos, was deposited.
6. A receipt from the asbestos disposal site shall be kept indicating the amount of asbestos which was deposited and the date of the deposit.

875—82.6(88B) License and application procedures.

82.6(1) Worker licensing procedures. All persons seeking a license as an asbestos abatement worker shall complete an initial three-day training course and thereafter an annual asbestos abatement worker refresher one-day training course as specified by the Iowa department of education in rule 281—96.10(256), subrule 96.10(6) and rule 281—96.12(256). The application shall be made on a form provided by the division which shall include:

- a. Name, home address and telephone number of the applicant;
- b. The applicant's social security number;
- c. The applicant's date of birth or statement that the applicant is at least 18 years of age;
- d. The name and address of the asbestos training course;
- e. A copy of certification of satisfactory completion from the training course;
- f. A certificate and declaration from a physician that an examination was conducted within the preceding 12 months following the guidelines in 29 CFR 1910.134, 1910.1001, and 1926.58 which indicated the applicant to be physically capable of working while wearing a respirator; and
- g. A statement from a person competent to administer a respirator fit test that a respirator fit test was successfully passed within the preceding 12 months and the respirator(s) on which the applicant was successfully fit tested in accordance with Appendix C of 29 CFR 1910.1000 (July 1, 1988) or 29 CFR 1926.58 (July 1, 1988).

The application shall be accompanied by a nonrefundable fee of \$20.

82.6(2) Supervisor/contractor licensing procedures. All persons seeking a license as an asbestos abatement supervisor/contractor shall complete an initial four-day training course and thereafter an annual asbestos abatement supervisor/contractor refresher one-day training course as specified by the Iowa department of education in rule 281—96.10(256), subrule 96.10(5) and rule 281—96.12(256). The application shall be made on a form provided by the division which shall include:

- a. Name, home address and telephone number of the applicant;
- b. The applicant's social security number;
- c. The applicant's date of birth or statement that the applicant is at least 18 years of age;
- d. The name and address of the asbestos training course;
- e. A copy of certification of satisfactory completion from the training course;
- f. A certificate and declaration from a physician that an examination was conducted within the preceding 12 months following the guidelines in 29 CFR 1910.134, 1910.1001, and 1926.58, which indicated the applicant to be physically capable of working while wearing a respirator; and

g. A statement from a person competent to administer a respirator fit test that a respirator fit test was successfully passed within the preceding 12 months and the respirator(s) on which the applicant was successfully fit tested in accordance with Appendix C of 29 CFR 1910.1000 (July 1, 1988) or 29 CFR 1926.58 (July 1, 1988).

The application shall be accompanied by a nonrefundable fee of \$50.

82.6(3) *Inspector licensing procedures.* All persons seeking a license as an asbestos inspector shall complete an initial three-day training course and thereafter an annual asbestos inspector refresher one-half-day training course as specified by the Iowa department of education in rule 281—96.10(256), subrule 96.10(1) and rule 281—96.12(256). The application shall be made on a form provided by the division which shall include:

- a. Name, home address and telephone number of the applicant;
- b. The applicant's social security number;
- c. The applicant's date of birth or statement that the applicant is at least 18 years of age;
- d. The name and address of the asbestos training course; and
- e. A copy of certification of satisfactory completion from the training course.

The application shall be accompanied by a nonrefundable fee of \$20. This license can be combined with the management planner license. The cost of a combined license is \$30.

82.6(4) *Management planner licensing procedures.* All persons seeking a license as an asbestos management planner shall complete an initial inspector three-day training course and an initial two-day management planning training course. Thereafter an annual asbestos inspector one-half-day refresher training course, plus an additional one-half-day course on management planning is required. The training courses are specified by the Iowa department of education in rule 281—96.10(256), subrule 96.10(2) and rule 281—96.12(256). The application shall be made on a form provided by the division which shall include:

- a. Name, home address and telephone number of the applicant;
- b. The applicant's social security number;
- c. The applicant's date of birth or statement that the applicant is at least 18 years of age;
- d. The name and address of the asbestos training course; and
- e. A copy of certification of satisfactory completion from the training course.

The application shall be accompanied by a nonrefundable fee of \$20. This license can be combined with the inspector license. The cost of a combined license is \$30.

82.6(5) *Abatement project designer licensing procedures.* All persons seeking a license as an asbestos abatement project designer shall complete either an initial abatement project designer three-day training course or an initial asbestos abatement supervisor/contractor four-day training course. Thereafter an annual asbestos abatement project designer refresher one-day training course is required. The training courses are specified by the Iowa department of education in rule 281—96.10(256), subrule 96.10(2) and rule 281—96.12(256). The application shall be made on a form provided by the division which shall include:

- a. Name, home address and telephone number of the applicant;
- b. The applicant's social security number;
- c. The applicant's date of birth or statement that the applicant is at least 18 years of age;
- d. The name and address of the asbestos training course; and
- e. A copy of certification of satisfactory completion from the training course.

The application shall be accompanied by a nonrefundable fee of \$50.

82.6(6) *Employees of a business entity exempted from Iowa Code chapter 88B that is a local education agency.* All employees of a business entity exempted from Iowa Code chapter 88B that is a local education agency (LEA) as defined by the Iowa department of education in rule 281—96.2(256), who perform small-scale, short-duration operations maintenance and repair activities set forth in 40 CFR Part 763, Subpart E, Appendix B, shall complete training requirements imposed by the Iowa department of education in rule 281—96.7(256). Thereafter an annual refresher one-day training course is required. The training courses are specified by the Iowa department of education in rule 281—96.12(256), subrule 96.12(1) and subrule 96.12(2).

No application is required to be submitted to the division for persons who perform small-scale, short-duration operations maintenance and repair activities set forth in 40 CFR Part 763, Subpart E, Appendix B.

82.6(7) *Action on application.* Within 30 days of receiving a completed application, the division will issue a license or deny the application. The division will deny an application if it determines the applicant has not successfully completed the required training course within the 12 months prior to the submission of the application. Renewal applications shall be submitted within 30 days of the expiration of an existing license.

82.6(8) *Duration.* A license issued by the division shall be valid for one year from the date of issuance. To renew the license, the applicant shall comply with all aspects of this rule.

875—82.7 Rescinded IAB 11/15/89, effective 12/29/89.

875—82.8 Reserved.

875—82.9 Rescinded IAB 11/15/89, effective 12/29/89.

875—82.10(88B) Reciprocity. Each applicant for a license who is licensed in another state may request a license from the division. The division shall evaluate the requirements for licensure in the other state and shall issue a license if the requirements for licensure in the other state are equal to or greater than the requirements for this chapter. The application shall be submitted as required by rule 82.6(88B).

875—82.11 Rescinded IAB 11/15/89, effective 12/29/89.

These rules are intended to implement Iowa Code chapter 88B.

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CHAPTERS 83 to 93

Reserved

*Exception: See rule 82.11(88B).

Effective date of Ch 82 delayed seventy days by the Administrative Rules Review Committee, IAB 6/5/85.

Effective date (5/15/85) of 82.3(1)"a"(11) delayed by the Administrative Rules Review Committee until the expiration of forty-five calendar days into the 1986 session of the General Assembly pursuant to Iowa Code section 17A.8(9), IAB 7/31/85.